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**FEB 24 2005**

In re Application of  
John Martin  
Application No. 10/749,401  
Filed: January 2, 2004  
Attorney Docket No. 247342US8

**OFFICE OF PETITIONS**

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:  
: DECISION ACCORDING STATUS  
: UNDER 37 CFR 1.47(b)  
:

This is in response to the request for reconsideration filed February 11, 2005, under 37 CFR 1.47(b).

The petition is **GRANTED**.

The above-identified application was filed on January 2, 2004 without an executed oath or declaration. Accordingly, on August 9, 2004, a "Notice To File Missing Parts of Nonprovisional Application" was mailed, requiring an executed oath or declaration and a surcharge for the late filing of the oath or declaration. In response, a petition was filed November 22, 2004, accompanied by a request for a two (2) month extension of time. On January 6, 2005, a corrected decision was mailed dismissing the petition because an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 had not been presented.

A grantable petition under 37 CFR 1.47(b) requires:

- (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);
- (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;
- (3) the petition fee;
- (4) a statement of the last known address of the non-signing inventor;
- (5) proof of proprietary interest, and
- (6) proof of irreparable damage.

In response to the decision dismissing the petition filed November 22, 2004, an oath or declaration executed by an officer of the Corporation, for the assignee and on behalf of the non-signing inventor has been presented. All requirements under 37 CFR 1.47(b) therefore having been met, as provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This matter is being referred to Technology Center 2131 for examination in due course.

Telephone inquiries related to this decision should be directed to the undersigned  
Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink that reads "Patricia Faison-Ball". The signature is written in a cursive, flowing style with a large initial 'P'.

Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions